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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,109	12/21/2000	Karl J. Wood	PHB 34,436	1480

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER
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USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/747,109

Applicant(s)

WOOD, KARL J.

Examiner

Joseph G. Ustaris

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,9,15,17 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9,15,17 and 20-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment dated 24 April 2006 in application 09/747,109. Claims 1-6, 9, 15, 17, and 20-25 are pending. No claims are amended.

The objection to claim 25 is now withdrawn in view of the amendments.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9, 15, 17, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US20020007493A1) in view of Perlman (US006829779B1).

Regarding claim 1, Butler et al. (Butler) discloses a "broadcast enhancement system" wherein a broadcast source broadcasts video content or video stream or "television broadcast signal" and ancillary data or "enhancement signal" to multiple receivers (See Fig. 1). The system is used with a television and/or a PC that includes receivers (See Fig. 2, 58 and 138; paragraph 0015, 0026, and 0038). The PC serves the function of the "mixer", where it has a receiver (See Fig. 2, 138) for receiving a transmission of the ancillary data or "enhancement signal" (See paragraphs 0017 and 0041). The ancillary data includes hyperlink overlays or "one of the two signals" that are

prepared for chroma keying (See paragraphs 0019-0023). The PC/mixer is configured to intercept the received television broadcast signal before it is passed to the television, apply chroma keying to superimpose the hyperlink overlays on the intercepted television broadcast signal and to pass the superimposed signal to the television (See Figs. 2-5; paragraphs 0036 and 0038). However, Butler does not disclose a set-top-box (STB), where the PC/mixer receives the television broadcast signal from the STB.

Perlman discloses a system for setting up an entertainment system. Perlman discloses that a STB, which inherently has a receiver, receives the television programming first (See Fig. 5, 64) and passes the signal to an Internet terminal or PC (See Fig. 5, 20). Inherently no adaptation is required to the STB or television in order to perform the functions described above. Furthermore, the STB and PC or Internet terminal are arranged separately from each other (See Fig. 5, 20 and 64). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Butler to include a STB and have the PC receive its signals from the STB, as taught by Perlman, in order to enhance security and piracy protection of the cable services by using the STB to decode/descramble the protected signals prior to delivering the signals to the PC (See Perlman Fig. 5; column 3 lines 27-50).

Regarding claim 2, Butler discloses that the ancillary data is used to provide additional information, for example, statistics during a sports broadcast or other detailed information. The ancillary data is sent as HTML files along with control data, wherein the processor inherently formats the data of the HTML file to be displayed before color

keying is applied to overlay the ancillary data with the video stream (See Butler Fig. 2 and paragraphs 0009, 0054, 0055).

Regarding claim 3, the ancillary data contains HTML files or "world wide web page" (See Butler paragraphs 0020 and 0022).

Regarding claim 4, Butler in view of Perlman does not explicitly disclose that the ancillary data is multiplexed with the television broadcast signal for transmission and for the PC to have a demultiplexer to extract the ancillary data.

Butler suggests many methods for combining the ancillary data with the television broadcast signal (See Butler paragraphs 0015 and 0016). Official Notice is taken that it is well known to multiplex signals together and to use a demultiplexer to separate different signals at a receiver. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the video broadcast system disclosed by Butler in view of Perlman to multiplex the ancillary data with the television broadcast signal and for the PC to include a demultiplexer in order to make efficient use of the available bandwidth thus allowing more data to be sent through the transmission medium.

Regarding claim 5, the ancillary data, which inherently contains text and graphics, is also sent and received through the vertical blanking interval (VBI) or "teletext" (See Butler paragraph 0016),

Regarding claim 6, the ancillary data is also sent and received through the Internet (See Butler paragraph 0017).

Regarding claim 9, Butler et al. (Butler) discloses a "method of enhancing a television broadcast" (See Figs. 3-4; paragraph 0009). The system uses a broadcast source that broadcasts video content or video stream or "television broadcast signal" and ancillary data or "enhancement signal" to multiple receivers (See Fig. 1). The system prepares multiple hyperlink overlays or "plurality of broadcast signals", where the overlays have a background areas set to a predetermined key color or "being prepared for chroma keying" (See paragraphs 0019-0023). The hyperlink overlays are transmitted to a corresponding receiver (See Fig. 1; paragraph 0019) where then the hyperlink overlays are processed according to the background area key color that provides instructions to what background areas allow overlay to occur or "instructions in the broadcast signal to prepare the signal for chroma keying" (See paragraphs 0023, 0025, and 0036). The PC, which serves the function of the "mixing unit", applies chroma keying to the received hyperlink overlays to create a superimposed signal for display as an enhanced television broadcast (See paragraphs 0036 and 0038). However, Butler does not disclose a set-top-box (STB), where the PC/mixer receives the television broadcast signal from the STB.

Perlman discloses a system for setting up an entertainment system. Perlman discloses that a STB, which inherently has a receiver, receives the television programming first (See Fig. 5, 64) and passes the signal to an Internet terminal or PC (See Fig. 5, 20). Inherently no adaptation is required to the STB or television in order to perform the functions described above. Furthermore, the STB and PC or Internet terminal are arranged separately from each other (See Fig. 5, 20 and 64). Therefore, it

would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Butler to include a STB and have the PC receive its signals from the STB, as taught by Perlman, in order to enhance security and piracy protection of the cable services by using the STB to decode/descramble the protected signals prior to delivering the signals to the PC (See Perlman Fig. 5; column 3 lines 27-50).

Claim 15 contains the limitations of claim 1 (wherein the PC serves the function of the mixer) and is analyzed as previously discussed with respect to that claim.

Regarding claim 17, Butler discloses a PC that serves the function of the "mixer" (See Fig. 2). The PC has a "means for receiving a broadcast television signal" (See Fig. 2, receiver 58) and a "means for receiving an enhancement signal (See Fig. 2, receiver 58 or 138; paragraphs 0017 and 0041). The PC/mixer is configured to apply chroma keying to superimpose the hyperlink overlays on the intercepted television broadcast signal and to pass the superimposed signal to the television (See Figs. 2-5; paragraphs 0019-0023, 0036, and 0038). However, Butler does not disclose a set-top-box (STB), where the PC/mixer receives the television broadcast signal from the STB.

Perlman discloses a system for setting up an entertainment system. Perlman discloses that a STB, which inherently has a receiver, receives the television programming first (See Fig. 5, 64) and passes the signal to an Internet terminal or PC (See Fig. 5, 20). Inherently no adaptation is required to the STB or television in order to perform the functions described above. Furthermore, the STB and PC or Internet terminal are arranged separately from each other (See Fig. 5, 20 and 64). Therefore, it

would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Butler to include a STB and have the PC receive its signals from the STB, as taught by Perlman, in order to enhance security and piracy protection of the cable services by using the STB to decode/descramble the protected signals prior to delivering the signals to the PC (See Perlman Fig. 5; column 3 lines 27-50).

Regarding claim 20, the ancillary data is also sent and received through the Internet (See paragraph 0017).

Regarding claim 21, Butler also discloses that the ancillary data can also be sent via satellite transmission or "wireless transmission" (See Fig. 1; paragraph 0015).

Regarding claim 22, "one of the plurality of broadcast signals" is also received through the Internet (See Butler paragraph 0017).

Regarding claim 23, "one of the plurality of broadcast signals" is also received through the "wireless transmission" (See Butler paragraph 0018).

Regarding claim 24, "one of the two signals" is also sent and received through the Internet (See Butler paragraph 0017).

Regarding claim 25, "one of the two signals" is also received through the "wireless transmission" (See Butler paragraph 0018).

### ***Response to Arguments***

3. Applicant's arguments filed 24 April 2006 have been fully considered but they are not persuasive.



Applicant argues with respect to claims 1, 9, 15, and 17 that Butler does not disclose two receivers being arranged separately from each other. However, Butler does disclose two receivers (See Fig. 2, receiver 58 and modem 138). Furthermore, applicant argues that one receiver receives the video stream and supplemental data. However, Butler also discloses that modem 138 is used to receive supplemental data (See paragraph 0041). Therefore, Butler discloses two receivers; wherein receiver 58 receives the video stream while modem 138 receives supplemental data.

Applicant further argues with respect to claims 1, 9, 15, and 17 that Perlman does not disclose intercepting the television signal before it is passed to the television set. However, reading the claim in the broadest sense, Perlman does meet this limitation. Perlman discloses a STB that receives the television signal first and passes the signal to an Internet terminal via cable 70 and 78 (See Fig. 5). Then the signal is passed to the television via cable 28 (See Fig. 5).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

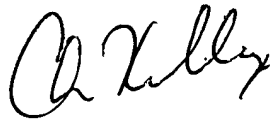
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JGU  
June 8, 2006



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